

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. PAUL A. GOETZ PART 47

Justice

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GREGORY MORRISON

Plaintiff,

- v -

NEW YORK CITY HOUSING AUTHORITY,

Defendant.

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INDEX NO. 153970/2019

MOTION DATE 02/18/2022

MOTION SEQ. NO. 002

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 002) 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 were read on this motion to/for JUDGMENT - SUMMARY

Upon the foregoing documents, it is

ORDERED that defendant's motion for summary judgment is granted as defendant has met its prima facie burden with regard to lack of notice and plaintiff did not create an issue of fact because he improperly tried to introduce a new theory of liability through the opinion of his expert, Villar v. New York City Hous. Auth., 193 A.D.3d 625 (1st Dep't 2021); and it is further

ORDERED that the complaint is dismissed as against defendant and the Clerk shall enter judgment accordingly, with costs and disbursements awarded to defendant.

Handwritten signature of Paul A. Goetz with digital ID: 20220420124401PGOETZ1CC1FFB2035E64F55201A1C95919D7E1C

4/20/2022

DATE

PAUL A. GOETZ, J.S.C.

CHECK ONE:

X CASE DISPOSED
X GRANTED DENIED

NON-FINAL DISPOSITION

GRANTED IN PART OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE